



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Creating Community Through People, Parks and Programs"

Russ Guiney, Director

October 11, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**APPROVAL OF APPROPRIATION ADJUSTMENT
AWARD A CONSTRUCTION CONTRACT
FOR GENERAL IMPROVEMENTS AT
CAROLYN ROSAS COUNTY PARK
UNIT NO. 86449 SPEC. NO. 05-0030
(Fourth District - 3 Vote Matter)**

**JOINT RECOMMENDATION WITH THE CHIEF ADMINISTRATIVE OFFICER THAT
YOUR BOARD:**

1. Approve the attached appropriation adjustment to transfer the revenue and appropriation in the amount of \$70,000 from the Rowland Heights General Improvements Project (Unit No. 86392) to Carolyn Rosas General Improvements Project (Unit No. 86449).
2. Approve the revised project budget from \$1,143,400 to \$1,213,400 as detailed on Attachment A.
3. Approve the award of a construction contract to Green Giant Landscape, Inc. in the amount of \$866,333 for the General Improvements project at Carolyn Rosas County Park.
4. Approve a change order contingency fund of \$86,633 (10 percent of the construction contract) for the General Improvements at Carolyn Rosas County Park; and authorize the Director of Parks and Recreation to order changes and additions in the work in accordance with Public Contract Code Section 20142.

5. Approve and instruct the Chairman to sign the attached Agreement and approve the Bond for Faithful Performance and the Payment Bond for Labor and Materials filed by the Contractor.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The recommended actions request that your Board approve the attached appropriation adjustment to fulfill the project funding requirements; and award of the construction contract for the General Improvements at Carolyn Rosas County Park; establish a change order contingency fund; and authorize the Director of Parks and Recreation to order changes and additions to the work in accordance with Public Contract Code Section 20142; thus allowing the Department of Parks and Recreation (DPR) to proceed with construction of the General Improvements project at Carolyn Rosas County Park.

The proposed project consists of improvements to the community building to comply with the Americans with Disabilities Act (ADA), including upgrades to the restroom and repairs to the interior doors, walls and floor, and to accommodate a computer lab within the community building. In addition, the proposed project will make various improvements to the park site, including repairs to the parking lot, replacement of concrete walkways and the installation of new picnic shelters, barbeque braziers, drinking fountains and connective pathways to improve ADA access. Security lights throughout the park will also be replaced. Youth employed under the Youth Employment Plan and supervised by County staff will remove and replace three (3) barbeque braziers.

Implementation of Strategic Plan Goals

The project will enhance "Service Excellence" (Goal Number 1 of the County's Strategic Plan) through the enhancement of services at a highly used facility, "Fiscal Responsibility" (Goal Number 4 of the County's Strategic Plan) by investing in public infrastructure, and will contribute to "Children and Families Well-Being" (Goal Number 5 of the County's Strategic Plan) by providing facilities that will enhance activities that promote good health, safety, educational and workforce readiness and social and emotional well being.

FISCAL IMPACT/FINANCING

The construction budget includes the base bid of \$866,333 and a change order contingency fund of \$86,633 (10 percent of the construction contract amount). The total project budget (see Attachment A), including plans and specifications, plan review, construction, change order contingency, consultant services, at-risk youth and County services, is currently estimated at \$1,213,400, an increase of \$70,000 from the original project budget.

On August 9, 2005 your Board approved the award of construction contract for General Improvements at Rowland Heights Park (Unit No. 86392) to Icon West, Inc. The bid submitted by Icon West, Inc. was \$214,330 less than the original estimated construction cost. The available funds cost savings of \$214,330 was held as a project contingency in the project for Unforeseen Conditions.

Upon your Board's approval to the attached request for budget adjustment to transfer \$70,000 Park In-Lieu Fees from Rowland Heights (Unit No. 86392) Unforeseen Conditions to General Improvements at Carolyn Rosas Park (Unit No. 83449), the proposed project will be funded by the Safe Neighborhood Parks Proposition of 1996 (\$300,000), a State Proposition 12-Roberti-Z'berg-Harris Program Grant (\$793,400), and Park In-Lieu Fees from Park Planning Area No. 10 (\$120,000).

Operating Budget Impact:

Based upon current salaries and employee benefits, the Department currently estimates one-time start up costs of \$12,620 to equip the computer lab. In addition, the Department anticipates an increase in ongoing operating costs of \$48,323, including \$12,439 for maintenance staff and supplies necessary to maintain the new site improvements and \$35,884 in programming costs for staff and supplies to operate the computer lab, including software licenses, filtering software, and network costs.

Based on the current schedule, the Department would incur the one-time and ongoing operating costs beginning in Fiscal Year 2005-06. The Chief Administrative Office will review the operating requirements and available funding and make a final recommendation to your Board at that time.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Department of Parks and Recreation is seeking delegated authority to approve changes or additions to the project scope in accordance with the requirements of Public Contract Code Section 20142, pursuant to which the maximum amount of a single change order on this project will be \$55,817. The requested change order contingency fund for the Carolyn Rosas County Park General Improvements Project is \$86,633 (10 percent of the construction contract).

As required by your Board, the contract documents include language requiring the Contractor and its subcontractors to have a written policy stating that their employees shall annually receive no less than five (5) days of regular pay for actual jury service.

The contract documents also include the other applicable Board-mandated provisions, including: notification about eligibility for federal earned income credit, the County's non-responsibility and debarment ordinance; participation in the County's GAIN/GROW Program; Safely Surrendered Baby Law; and reporting solicitation of improper consideration by County employees.

As required by your Board, Green Giant Landscape, Incorporated has submitted the proper information concerning the principal owners to the Child Support Services Department and is in compliance with any court ordered child, family and spousal support obligations, if applicable.

As part of DPR's program to fulfill the Youth Employment Minimum Obligation as adopted for the County by your Board on June 26, 1997, your Board approved a Youth Employment Plan for the Carolyn Rosas General Improvements project on May 31, 2005.

As required by your Board, DPR posted the Notice Inviting Construction Bids on May 31, 2005, on the County's Office of Small Business web site.

These requirements have been reviewed by County Counsel.

CONTRACTING PROCESS

On May 31, 2005, your Board adopted Plans and Specifications No. 05-0030 for the General Improvements at Carolyn Rosas County Park, at an estimated construction cost of \$826,500, and instructed the Executive Officer-Clerk of the Board to advertise for construction bids in accordance with the "Instruction Sheet for Publishing Legal Advertisement."

On July 13, 2005, seven (7) bids were received for the Carolyn Rosas General Improvements Project (see Attachment B). Green Giant Landscape, Incorporated was found to be the lowest responsive and responsible bidder and met the criteria adopted by your Board. Accordingly, DPR is recommending that the construction contract for the Carolyn Rosas General Improvements Project be awarded to Green Giant Landscape, Incorporated (see Attachment D).

IMPACT ON CURRENT SERVICES

This proposed project will renovate existing facilities and, therefore, some minor impact on services and programs is anticipated during construction. In order to minimize these impacts, a temporary trailer will be provided to house recreational programming. The trailer has been placed at Gloria Heer Park located at 18109 East Gallineta Street in Rowland Heights.

It is anticipated that the project will begin construction in November 2005 and will be completed in June 2006. Upon completion of the project, the public will benefit from increased programming as a result of the computer lab and improved and expanded picnic and playground facilities.

ENVIROMENTAL DOCUMENTATION

On May 31, 2005, your Board found the project to be categorically exempt from the California Environmental Quality Act.

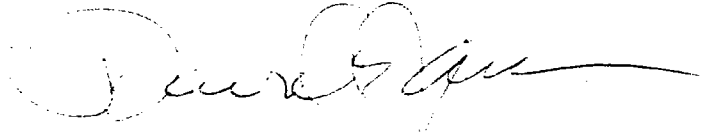
CONCLUSION

Upon your approval please instruct the Executive Officer-Clerk of the Board to forward one (1) conformed copy of this letter to the Chief Administrative Office, Capital Projects Division and two (2) conformed copies to the Department of Parks and Recreation.

Respectfully submitted,



Russ Guiney
Director



David E. Janssen
Chief Administrative Officer

Attachments (3)

RG:sa:rosas-award-cp96449#6.doc

c: Executive Office (22)
County Counsel

ATTACHMENT A

**AWARD A CONSTRUCTION CONTRACT
FOR GENERAL IMPROVEMENTS AT CAROLYN ROSAS COUNTY PARK
UNIT NO. 86449, SPEC. NO. 05-0030
(Fourth District - 3 Vote Matter)**

Project Activity	Scheduled Completion Date	Revised Completion Date	Date Completed
1. Land Acquisition	N/A	N/A	N/A
2. Environmental Impact Report	N/A	N/A	N/A
3. Program	01/22/03	01/22/03	05/2003
4. Schematic Design	12/11/03	12/11/03	01/2004
5. Design Development	02/12/04	02/12/04	05/2004
6. Construction Documents	11/18/04	11/18/04	11/2004
7. Jurisdictional Approval	02/18/05	05/12/05	05/19/2005
8. Construction Contract Award	07/26/05	10/11/05	
9. Construction Start	08/08/05	11/01/06	
10. Final Inspection	02/28/06	06/29/06	
11. Final Acceptance	03/21/06	07/18/06	

II. PROJECT COST SUMMARY

Cost Category	Estimated Project Cost	Impact of Proposed Action	Revised Project Cost
1. Land Acquisition	N/A	N/A	N/A
2. Plans and Specifications	\$93,000	\$0	\$93,000
3. Plan Review	\$6,000	\$0	\$6,000
4. Make-Ready Activities	\$13,550	\$(8,550)	\$5,000
5. Construction	\$826,500	\$39,833	\$866,333
6. Change Order/Contingencies	\$82,650	\$3,983	\$86,633
7. Unforeseen Conditions	N/A	\$0	\$0
8. Consultant Services	\$53,000	\$0	\$53,000
9. County Services	\$58,700	\$34,734	\$93,434
10. Youth Employment Plan*	\$10,000	\$0	\$10,000
TOTAL	\$1,143,400	\$70,000	\$1,213,400

* Including youth employment, supervision, and materials.

ATTACHMENT B

**AWARD A CONSTRUCTION CONTRACT
FOR GENERAL IMPROVEMENTS AT ROWLAND HEIGHTS PARK
UNIT NO. 86449, SPEC. NO. 05-0030
(Fourth District - 3 Vote Matter)**

BIDDER	LUMP SUM BID
1. Tatus Construction Incorporated	\$1,177,000
2. Green Giant Landscape Incorporated	\$ 866,333
3. Facility Operations Plus	\$1,103,330
4. Trimax Construction Corporation	\$ 968,000
5. Pima Corporation	\$ 983,850
6. Braaksma Construction, Incorporated	\$ 950,000
7. California Building Evaluation	\$1,045,000

COUNTY OF LOS ANGELES
REQUEST FOR APPROPRIATION ADJUSTMENTDEPT'S.
No. 600-14

DEPARTMENT OF Parks and Recreation

August 10, 192005

AUDITOR-CONTROLLER.


THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. WILL YOU PLEASE REPORT AS TO ACCOUNTING AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF ADMINISTRATIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR

3-Votes Matter

Please see attached

JUSTIFICATION: Adjustment is necessary to increase the revenue and appropriation in order to provide sufficient funds to award the construction contract to Green Giant Landscape, Inc. for Carolyn Rosas General Improvements.



Ahmed Bahbah, Accounting Officer II

CHIEF ADMINISTRATIVE OFFICER'S REPORT

REFERRED TO THE CHIEF
ADMINISTRATIVE OFFICER FOR—

ACTION

RECOMMENDATION

AUDITOR-CONTROLLER

No. 17

BY

AUG. 23 2005

APPROVED AS REQUESTED

AS REVISED

SEP 21, 2005

CHIEF ADMINISTRATIVE OFFICER

APPROVED (AS REVISED):
BOARD OF SUPERVISORS

19

BY

DEPUTY COUNTY CLERK

SEND 5 COPIES TO THE AUDITOR-CONTROLLER

ATTACHMENT C

**APPROVAL OF APPROPRIATION ADJUSTMENT
AWARD A CONSTRUCTION CONTRACT
FOR GENERAL IMPROVEMENTS AT
CAROLYN ROSAS COUNTY PARK
UNIT NO. 86449 SPEC. NO. 05-0030
(Fourth District - 3 Vote Matter)**

FINANCIAL SOURCES:

Capital Projects/Refurbishments
Department of Parks and Recreation
Rowland Heights Park (4)
Rfurb-General Improvements
A01 – CP - 86392 – 6014
\$70,000 Decrease Appropriation

Capital Projects/Refurbishments
Department of Parks and Recreation
Carolyn Rosas Park (4)
Rfurb-General Park Improvements
Rev: Charges for Svs Quimby/CP
A01 – CP – 86449 – R401
\$70,000 Increases Revenue

FINANCIAL USES:

Capital Projects/Refurbishments
Department of Parks and Recreation
Rowland Heights Park (4)
Rfurb-General Improvements
Rev: Charges to Svs Quimby/CP
A01 – CP – 86392 – R401
\$70,000 Decreases Revenue

Capital Projects/Refurbishments
Department of Parks and Recreation
Carolyn Rosas Park (4)
Rfurb-General Park Improvements
A01 – CP – 86449 - 6014
\$70,000 Increases Appropriation

Justification: Adjustment is necessary to increase the revenue and appropriation in order to provide sufficient funds to award the construction contract to Green Giant Landscape, Inc. for Carolyn Rosas General Improvements.

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2005, by and between the COUNTY OF LOS ANGELES, State of California (hereinafter called the County), and

GREEN GIANT LANDSCAPE, INC.

941-A Macy Street
La Habra, California 90631-3400
(562) 680-6208

(hereinafter called the Contractor),

W I T N E S S E T H

FIRST: That the Contractor, in consideration of the promises of the County hereinafter set forth, hereby agrees to furnish all tools, equipment, labor and material necessary to perform and complete in a good and workmanlike manner,

**CAROLYN ROSAS COUNTY PARK
GENERAL IMPROVEMENTS PROJECT
UNIT NO. 86449, SPEC. NO. 05-0030
18500 East Farjardo Street
Rowland Heights, California 91748**

within the time and in accordance with the recommendation of the Director of the Department of Parks and Recreation, dated **October 11, 2005**, Plans and Specifications No. **05-0030** and the lump sum bid of the Contractor, each of which is incorporated herein as though fully set forth, and all of which are hereby agreed by the parties to constitute the contract documents.

SECOND: That the County agrees, in consideration of the performance of this contract, to pay to the Contractor, and the Contractor agrees to accept in full satisfaction for the work done hereunder a sum of **\$866,333.00 (Eight Hundred Sixty Six thousand Three Hundred Thirty Three Dollars and No Cents)**, which sum shall be paid to the Contractor at the time and in the manner set forth in the specifications.

I WITNESS WHEREOF, the County has, by order of its Board of Supervisors, caused these presents to be subscribed by the Chairman of said Board and the seal of the Board to be affixed and attested by the Clerk thereof, and the Contractor has hereunto subscribed its corporate name and affixed its corporate seal by its duly authorized officers the day, month and year first above written.

Attest: Violet Varona-Lukens
Executive Officer
Clerk of the Board of Supervisors

COUNTY OF LOS ANGELES

By _____

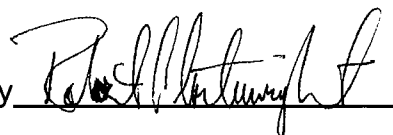
Chair, Board of Supervisors

GREEN GIANT LANDSCAPE, INC.

By 
Don Henderson, President

By 
Rosi Toledo, Secretary

APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By 
Deputy

A, C27
Classification

670478
License No.

CONTRACTOR

BOND FOR FAITHFUL PERFORMANCE Bond Number: SJ 501 7176
Premium: \$17,327.00

NOW ALL MEN BY THESE PRESENTS:

That we, **Green Giant Landscape, Inc.**, as principal, and **Arch Insurance Company**, as surety, are held and firmly bound unto the **COUNTY OF LOS ANGELES**, State of California, hereinafter referred to as the County, in the sum of **\$866,333.00** (Eight Hundred Sixty Six Thousand Three Hundred Thirty Three Dollars and No cents), lawful money of the United States, for the payment of which sum, well and truly made, we bind ourselves, jointly and severally, firmly by these presents.

The condition of the foregoing obligation is such that whereas said principal has been awarded and is about to enter into the annexed contract with the County of Los Angeles, State of California, for:

**CAROLYN ROSAS COUNTY PARK
GENERAL IMPROVEMENTS PROJECT
UNIT NO. 86449, SPEC. NO. 05-0030
18500 East Farjardo Street
Rowland Heights, California 91748**

It is required by said County to give this bond in connection with the execution of said contract;

NOW, THEREFORE, if said principal shall well and truly do and perform all of the covenants and obligations of said contract on its part to be done and performed at the time and in the manner specified therein, then this obligation shall be null and void; otherwise, it shall be and remain in full force and effect. No premature payment by said County to said principal shall exonerate any surety unless the Board of Supervisors of said County shall have actual notice that such payment is premature at the time it is made by said Board, and then only to the extent that such payment shall result in loss to such surety, but in no event more than the amount of such premature payment. This bond shall remain in effect for a period of not less than one year after final acceptance of the contract work.

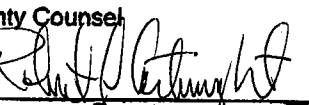
Witness my hand and the seal of the County of Los Angeles this 14th day of September, 2005.
Violet Varona-Lukens
County Clerk
County of Los Angeles

COUNTY OF LOS ANGELES

Chair, Board of Supervisors

WITNESS our hands this 14th day of September, 2005

PROVED AS TO FORM:
MOND G. FORTNER, JR.


County Counsel

Deputy

GREEN GIANT LANDSCAPE, INC.

By 
Don Henderson, President

By 
Rosi Toledo, Secretary

By Arch Insurance Company
Surety

By 
Attorney-in-Fact Douglas A. Rapp
Attorney in Fact

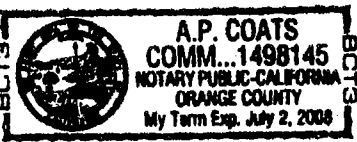
CALIFORNIA ALL - PURPOSE ACKNOWLEDGMENT

State of California
County of Orange

On SEP 14 2005 before me, A.P. Coats, Notary Public
NAME, TITLE OF OFFICER
Personally appeared Douglas A. Rapp
NAME OF SIGNER(S)

Personally known to me - or -

Proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]
(SIGNATURE OF NOTARY)

OPTIONAL

Although the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER	DESCRIPTION OF ATTACHED DOCUMENT
<input type="checkbox"/> INDIVIDUAL/OWNER	
<input type="checkbox"/> CORPORATE OFFICER	
<u>TITLE(S)</u>	<u>TITLE OR TYPE OF DOCUMENT</u>
<input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED	
<input type="checkbox"/> GENERAL	<u>NUMBER OF PAGES</u>
<input type="checkbox"/> ATTORNEY-IN-FACT	
<input type="checkbox"/> TRUSTEE(S)	
<input type="checkbox"/> GUARDIAN/CONSERVATOR	
<input type="checkbox"/> OTHER: <u></u>	<u>DATE OF DOCUMENT</u>

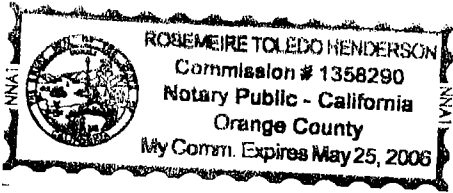
SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

ALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Orange } ss.

On 9/19/05 before me, Rosemeire Henderson
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Donald Louis Henderson
Name(s) of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

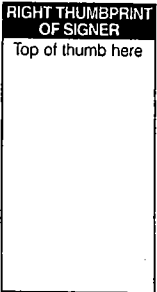
Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

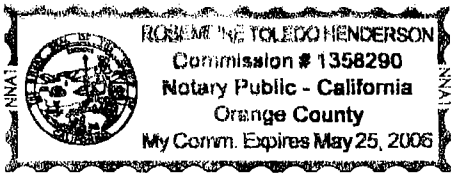
Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Orange } ss.
On 9/19/05 before me, Rosemeire Henderson
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Donald Louis Henderson
Name(s) of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____



POWER OF ATTORNEY

Given By These Presents:

Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its office in Kansas City, Missouri (hereinafter referred to as the "Company") does hereby appoint
Boats and Douglas A. Rapp of Laguna Niguel, CA (EACH)

its lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and
as its act and deed:

bonds and undertakings

NO: NO AUTHORITY is granted to make, execute, seal and deliver bonds or undertakings that guarantee the
collection of any promissory note, check, draft or letter of credit.

Authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond
within the dollar limit of authority as set forth herein.

Authority may revoke this appointment at any time.

Execution of such bonds and undertakings in pursuance of these presents shall be as binding upon the said
Company as if the same had been duly executed and acknowledged by its
authorized officers at its principal office in Kansas City, Missouri.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of
the Company on March 3, 2003, true and accurate copies of which are hereinafter set forth and are hereby certified to by
the undersigned Secretary as being in full force and effect:

That the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing
to the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact,
authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and
contracts, recognizances, contracts of indemnity and other writings, obligatory in the nature thereof, and any such
power the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution
passed by the unanimous consent of the Board of Directors of the Company on March 3, 2003:

That the signature of the Chairman of the Board, the President, or any Vice President, or their appointees
designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and
the seal of the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the
resolution adopted by the Board of Directors on March 3, 2003, and any such power so executed, sealed and certified
to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.

PAYMENT BOND FOR LABOR AND MATERIALS Bond Number: SU 501 7176
Premium Included

ALL MEN BY THESE PRESENTS:

That we, **Green Giant Landscape, Inc.**, as principal, and **Arch Insurance Company**, as surety, are held and firmly bound unto the **COUNTY OF LOS ANGELES**, California, hereinafter referred to as the County, in the sum of **\$866,333.00** **Eight Hundred Sixty Six Thousand Three Hundred Thirty Three Dollars and No** Cent money of the United States, for the payment of which sum, well and truly we bind ourselves, jointly and severally, firmly by these presents.

The condition of the above obligation is such that, whereas said principal has entered and is about to enter into a written contract with the County for:

**CAROLYN ROSAS COUNTY PARK
GENERAL IMPROVEMENTS PROJECT
UNIT NO. 86449, SPEC. NO. 05-0030
18500 East Farjardo Street
Rowland Heights, California 91748**

hereto attached and made a part hereof, and to which reference is hereby made to all particulars, and is required by said County to give this bond in connection with the execution of said contract;

HEREFORE, if said principal, as contractor in said contract, or principal's agent, fails to pay any of the persons referred to in Section 3181 of the Civil Code of the State of California for labor performed, skills or other necessary services, or site improvement made, equipment leased, or appliances, equipment, tools, machinery, materials, power, provender, provisions, teams, or trucks used in, upon, or about the performance of this work contracted to be done, or amounts due under the Unemployment Insurance Code with respect to such work performed by such claimant, or for any amounts required to be deducted, and paid over to the Employment Development Department from the wages of employees of the contractor and the subcontractors pursuant to Section 13020 of the Unemployment Insurance Code, with respect to such work and labor, said surety shall be liable in an amount not exceeding the sum specified above, and if suit is brought upon this bond, a reasonable attorney's fee to be fixed by the court. This bond is given pursuant to Chapter 7 of Division 3, Part 4, Title 15 of the Civil Code of the State of California, and shall inure to the benefit of any of the persons referred to in said Section 3181, as it now exists or may hereafter be amended, so as to give effect to such persons or their assigns in any suit brought upon this bond.

A premature payment by said County to said principal shall exonerate any claim against the Board of Supervisors of said County shall have actual notice that such payment is premature at the time and it is ordered by said Board, and then only to the extent that such payment shall result in loss to such surety, but in no event more than the amount of such premature payment. It is agreed that any alterations in the work to be performed or increase or decrease of the materials to be furnished, which may be made after the date of the execution of this contract shall not in any way release either the principal or the surety, nor shall any extensions of time granted under the provisions of said contract release either the principal or surety, and notice of such alterations or extensions of this contract is hereby waived by the surety.

WITNESS our hands this 14th day of September, 2005.

WITNESSED AS TO FORM:
J. G. FORTNER, JR.
County Counsel

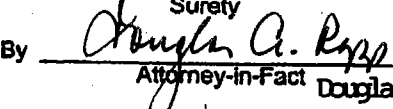

Deputy

GREEN GIANT LANDSCAPE, INC.

By 
Don Henderson, President

By 
Rosa Toledo, Secretary

By 
Arch Insurance Company
Surety

By 
Attorney-in-Fact Douglas A. Rapp
Attorney in Fact

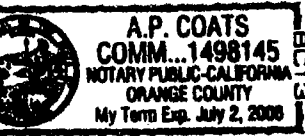
FORNIA ALL - PURPOSE ACKNOWLEDGMENT

f California
y of Orange

SEP 14 2005 before me, A.P. Coats, Notary Public
NAME, TITLE OF OFFICER
ally appeared Douglas A. Rapp
NAME OF SIGNER(S)

sonally known to me - or -

Proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

(SIGNATURE OF NOTARY)

OPTIONAL

h the data below is not required by law, it may prove valuable to persons relying on the document
uld prevent fraudulent reattachment of this form.

APACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

INDIVIDUAL/OWNER
CORPORATE OFFICER

TITLE(S)

TITLE OR TYPE OF DOCUMENT

ARTNER(S) ☐ LIMITED
☐ GENERAL

NUMBER OF PAGES

ATTORNEY-IN-FACT
TRUSTEE(S)
GUARDIAN/CONSERVATOR
OTHER:

DATE OF DOCUMENT

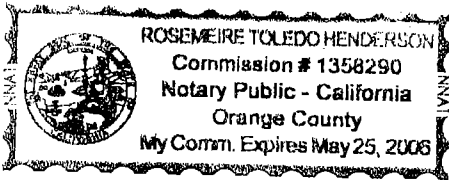
FOR IS REPRESENTING:
OF PERSON(S) OR ENTITY(IES)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Orange } ss.

On 9/19/05 before me, Rosemeire Henderson
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Donald Louis Henderson
Name(s) of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

POWER OF ATTORNEY

Given By These Presents:

Each Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its office in Kansas City, Missouri (hereinafter referred to as the "Company") does hereby appoint
Boats and Douglas A. Rapp of Laguna Niguel, CA (EACH)

As lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and
If as surety, and as its act and deed:
bonds and undertakings

IN: NO AUTHORITY is granted to make, execute, seal and deliver bonds or undertakings that guarantee the
collection of any promissory note, check, draft or letter of credit.

It does not permit the same obligation to be split into two or more bonds in order to bring each such bond
within the dollar limit of authority as set forth herein.

It may revoke this appointment at any time.

The execution of such bonds and undertakings in pursuance of these presents shall be as binding upon the said
Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its
authorized officers at its principal office in Kansas City, Missouri.

This power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of
the Company on March 3, 2003, true and accurate copies of which are hereinafter set forth and are hereby certified to by
the undersigned Secretary as being in full force and effect:

That the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing
to the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact,
authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and
contracts, recognizances, contracts of indemnity and other writings, obligatory in the nature thereof, and any such
power the Company may appoint agents for acceptance of process."

This power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution
passed by the unanimous consent of the Board of Directors of the Company on March 3, 2003:

That the signature of the Chairman of the Board, the President, or any Vice President, or their appointees
designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and
the seal of the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the
resolution adopted by the Board of Directors on March 3, 2003, and any such power so executed, sealed and certified
to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.

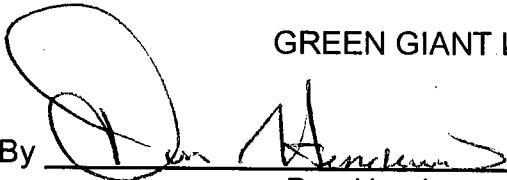
ACKNOWLEDGMENT

JECT:

**CAROLYN ROSAS COUNTY PARK
GENERAL IMPROVEMENTS PROJECT
UNIT NO. 86449, SPEC. NO. 05-0030
18500 East Farjardo Street
Rowland Heights, California 91748**

aware of the provisions of Section 3700 of the Labor Code, which require every
loyer to be insured against liability for Worker's Compensation or to undertake self-
-ance in accordance with the provisions of that Code, and I will comply with such
isions before commencing the performance of the work of this Contract.

GREEN GIANT LANDSCAPE, INC.

By  _____
Don Henderson, President

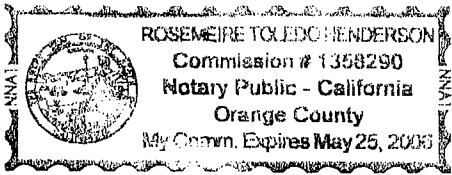
Date 9/19/05

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Orange } ss.

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Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Donald Louis Henderson
Name(s) of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



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WITNESS my hand and official seal.

Signature of Notary Public

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- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

